

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

JENNIFER FOGLE,

Plaintiff,

v.

TD BANK, N.A.

Defendant.

Civil Action No.: 22cv80390

**COMPLAINT
JURY DEMAND**

NOW INTO COURT, through undersigned counsel, comes, JENNIFER FOGLE, the Plaintiff herein and hereby files this lawsuit against TD Bank, N.A. and hereby states:

PRELIMINARY STATEMENT

1. Jennifer Fogle ("Plaintiff" or "Ms. Fogle") is a victim of theft when her purse was stolen on July 20, 2021.
2. The perpetrator, who is unknown to Plaintiff, unlawfully transferred funds from Plaintiff's bank account with TD Bank, N.A.
3. Plaintiff promptly and repeatedly disputed the charges with Defendant TD Bank, N.A., (hereinafter "Defendant").
4. Despite Defendant's obligation under the EFTA to promptly credit Plaintiff's account in full, Defendant has refused to credit Plaintiff's account for the stolen funds.

JURISDICTION

5. Plaintiff brings claims against Defendant for violations of the Electronic Fund Transfer Act (“EFTA”), 15 U.S.C. § 1693, *et seq.*

6. The Court has jurisdiction pursuant to 15 U.S.C. § 1693m and 28 U.S.C. § 1331.

7. Jurisdiction over Plaintiff’s claim for declaratory relief is conferred by 28 U.S.C. § 2201.

8. Venue is proper in this District because Plaintiff resides in this District, a substantial part of the events and occurrences underlying this litigation occurred within this District, and Defendant regularly conduct business here.

PARTIES

9. Plaintiff, JENNIFER FOGLE, is a natural person who resides in the County of Palm Beach, State of Florida.

10. Plaintiff, JENNIFER FOGLE, is a natural person who resides in the County of Palm Beach, State of Florida.

11. Plaintiff is a “consumer” as that term is defined by the EFTA, 15 U.S.C §1693a(6).

12. At all times relevant, Plaintiff’s checking with Defendant, TD Bank, NA., were used for personal, family, or household purposes.

13. Defendant, TD BANK, NA who is operating from an address of Two Portland Square, Portland, ME 04112 and can receive service of process at the **Two Portland Square, Portland, ME 04112.**

14. On July 20, 2021, Ms. Fogle went to work at approximately 9:00AM and placed her purse in a locked cabinet.

15. On the same day, July 20, 2021 at approximately 5:00PM, Ms. Fogle left work and on her way home from work, received a call from Capital One Bank asking her if she just used her credit card at Publix for \$402.43.

16. On the phone call with Capital One she advised Capital One that she did not use her credit card on July 20, 2021 and therefore Capital One cancelled the card because of the unauthorized charge made on her credit card.

17. Ms. Fogle then checked her purse for her wallet to see if the Capital One credit card was in her purse and that is when she discovered that her wallet missing from her purse.

18. Ms. Fogle immediately went back to her place of employment to determine if her wallet was there and discovered that the lock to the cabinet was broken and her wallet was missing.

[THIS SPACE INTENTIONAL LEFT BLANK]

19. Ms. Fogle called the police, and a report was taken in which the following items were reported stolen by Ms. Fogle:

- a. Brown Louis Vuitton wallet valued at \$750
- b. Capital One CC (Used at Publix Store #214 City of Margate for \$402.43 at 5:09PM)
- c. Merrick Bank CC (Used \$600 at unknown location)
- d. Avaint Bank CC (used \$250 at unknown location)
- e. Open Sky Visa
- f. Continental Finance Visa
- g. First Premier Visa
- h. Citibank Visa
- i. Florida Driver's license.
- j. TD Bank Debit (Used at Publix #822 for \$519.53, Pepboys #382 for \$154.71, Total Wine for \$673.95 and Publix #787 for \$525.74.

A copy of the police report is attached hereto as **Exhibit "1."**

20. After she discovered the unauthorized transactions, Ms. Fogle immediately informed TD Bank, N.A., Specifically, Ms. Fogle disputed and made a claim over the phone and in writing with the Defendant on July 21, 2021, July 25, 2021, July 30, 2021, August 19, 2021, and September 30, 2021 ["collectively EFTA Disputes"].

A copy of the correspondence confirmation Ms. Fogle's EFTA disputes are attached hereto as **Composite Exhibit "2."**

21. After receiving Ms. Fogle's TD Bank, N.A. initially refunded the unauthorized transfers to Ms. Fogle's account however, TD Bank, N.A.. subsequently changed its view of the unauthorized withdrawals, reversed the refunds in the account, and asserted that the fraudulent activity was solely the responsibility of Ms. Fogle.

A copy of TD Bank's responses to Ms. Fogle's EFTA disputes are attached hereto as **Composite Exhibit "3."**

22. Due to TD Bank's reversal of the funds Defendant caused Ms. Fogle's account to overdraft causing damages to Ms. Fogle which include but not limited to overdraft fees and Ms. Fogle's inability to use her funds.

A copy of TD Bank's correspondences evidencing the overdraft of Ms. Fogle's account are attached hereto as **Composite Exhibit "4."**

FIRST CLAIM FOR RELIEF
(Electronic Fund Transfer Act, 15 U.S.C. § 1693, et seq.)

23. Plaintiff repeats and re-alleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

24. Per the EFTA, Regulation E, and Regulation E's Official Interpretations, Defendant, TD Bank, N.A. bears the responsibility for unauthorized transfers like the present ones.

25. The EFTA caps consumer liability for unauthorized electronic fund transfer at \$50 and the transaction at issue exceeds that amount. 15 U.S.C. § 1693g(a).

26. Further, once Ms. Fogle notified TD Bank, N.A., of the unauthorized transfers, TD Bank, N.A. was required to conduct a bona fide reasonable investigation to determine if fraud occurred as required by the EFTA.

27. However, TD Bank, N.A., failed to conduct a reasonable investigation.

28. A reasonable investigation would have included review of one or more of the following items, which would have led TD Bank, N.A., to conclude that fraud had occurred and would have revealed, inter alia, the following:

- a. Plaintiff did not authorize the disputed transactions;
- b. Plaintiff promptly reported the fraudulent transactions;
- c. Plaintiff has no history of making false or unverifiable fraud reports;
- d. Plaintiff has no criminal history;
- e. Plaintiff has no history of irresponsible use of his account;
- f. Plaintiff has no history of frauds with TD Bank, N.A., or any other financial institution;
- g. Plaintiff furnished T.D. Bank, N.A., with a police report substantiating the theft;
- h. No other proof exists to refute Plaintiff's claim.

29. Furthermore, the EFTA places the burden of proof on the financial institution to demonstrate that challenged transfers were authorized or, if they were unauthorized, that the consumer can be held liable for them. 15 U.S.C. § 1693g(b).

30. This burden of proof cannot be and was not plausibly met with regard to the contested transactions.

31. TD Bank, N.A.'s acts and omissions set forth above constitute violations of the EFTA.

32. As a direct and proximate result of TD Bank, N.A.'s violations of the EFTA, Plaintiff is entitled to an award of statutory and actual damages as well as attorney's fees and costs.

33. In light of the foregoing – in addition to all other relief sought herein – Plaintiff is also entitled to recover treble damages under Section 1693f(e).

AD DAMNUM

WHEREFORE, Plaintiff seeks judgment in his favor and damages against Defendant:

- A. Awarding Plaintiff against Defendant actual damages, treble damages, statutory damages, punitive damages, costs, and reasonable attorneys' fees; and
- B. such other and further relief as may be necessary, just, and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted,

/s/Robert C. Gindel, Jr. _____

Robert C. Gindel, Jr.

Attorney for the Plaintiff

Florida State Bar No. 470740

1500 Gateway Boulevard, Suite 220,

Boynton Beach, FL 33426

Phone (561) 649-2344 / Facsimile (561) 965-8550

e-mail: robertgindel@robertgindel.com

EXHIBIT “1”

Broward County Sheriff's Office

Incident Case Number: 07-2107-001976

Reporting Agency: Broward County Sheriff's

Print Date/Time: 08/04/2021 15:08:27

Disclaimer: The information contained within this report is reflective of the investigation at the date and time of its printing.

		INCIDENT/INVESTIGATION REPORT				Case# 07-2107-001976	
I N C I D E N T D A T A	Agency Name	Broward County Sheriff's Office				Date / Time Reported 07/20/2021 17:51 Tue	
	ORI	0063100				Last Known Secure 07/20/2021 09:00 Tue	
	Location of Incident	7650 N UNIVERSITY DR, Tamarac FL 33321		Gang Relat NO	Premise Type Unknown	Zone/Tract 0705	At Found 07/20/2021 17:00 Tue
	#1	Crime Incident(s)	(Com)	Weapon / Tools None		Activity	
#2	Crime Incident	()	Weapon / Tools		Activity		
			Entry Exit Security				
			Entry Exit Security				
#3	Crime Incident	()	Weapon / Tools		Activity		
			Entry Exit Security				
			Entry Exit Security				
MO							
V I C T I M	# of Victims 1	Type: INDIVIDUAL (NOT A LE OFFICER)		Injury: None		Domestic: N	
	V1	Victim/Business Name (Last, First, Middle)		Victim of Crime #	DOB	Race	Sex
		FOGLE, JENNIFER		1,	03/09/1969	W	F
		Home Address		Age 52		Relationship To Offender	Resident Status
		3380 DELRAY BAY DR - 706, Delray Bch FL 33483-				Resident	Military Branch/Status
	Employer Name/Address		Business Phone		Mobile Phone		
	WICKSHIRE 7650 N UNIVERSITY DR		954-722-6314				
	VYR	Make	Model	Style	Color	Lie/Lis	VIN
O T H E R S	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)						
	Type:	Injury:					
	Code	Name (Last, First, Middle)		Victim of Crime #	DOB	Race	Sex
				Age			
		Home Address		Home Phone			
I N V O L V E D	Employer Name/Address		Business Phone		Mobile Phone		
	Type:	Injury:					
	Code	Name (Last, First, Middle)		Victim of Crime #	DOB	Race	Sex
				Age			
		Home Address		Home Phone			
	Employer Name/Address		Business Phone		Mobile Phone		
P R O P E R T Y	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)						
	VI #	Code	Status Fm/To	Value	OJ	QTY	Property Description
	1	09	7	\$0.00		1	CAPITAL ONE CC
	1	09	7	\$0.00		1	MERRICK BANK
	1	09	7	\$0.00		1	AVANT BANK CC
	1	09	7	\$0.00		1	OPEN SKY VISA
	1	09	7	\$0.00		1	CITIBANK VISA
	1	77	7	\$750.00		1	LOUIS VUITTON WALLET
	1	77	7	\$50.00		1	FL DL
	1	09	7	\$0.00		1	TD BANK DEBIT
	1	09	7	\$0.00		1	CONTINENTAL CC
	1	09	7	\$0.00		1	FIRST PREMIER BANK CC
Officer/ID#	BARNETT, R. (3420, CIT) (8186)			Outstanding Stolen Val [Total Stolen] \$800.00 [\$800.00]			
Invest ID#	SMITH, J. D. (3420) (18633)			Supervisor HERBERT, M. (3420) (15559)			
Status	Complainant Signature			Case Status Open / Active		Case Disposition:	
				07/27/2021		Page 2	
R_CS11BR		Printed By: BS18633, bs18633		Sys#: 1310760		08/04/2021 15:08	

INCIDENT/INVESTIGATION REPORT

Broward County Sheriff's Office

Case # 07-2107-001976

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found

D R U G S	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE

705 Zone- Victim reported unknown person stole her wallet from a cabinet at her place of work (wickshire assisted living). Credit cards that were inside her wallet were used.

REPORTING OFFICER NARRATIVE

Broward County Sheriff's Office

Victim FOGLE, JENNIFER	Offense THEFT - ALL OTHER	OCA 07-2107-001976 Date / Time Reported Tue 07/20/2021 17:51
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On 07/20/21 at approximately 1820 hours, I responded to Wickshire Assisted Living Facility located at 7650 N University Dr, Tamarac, in reference to a delayed theft report. Upon arrival, I met with the Victim Jennifer Fogle who advised someone stole her wallet and used several of her credit cards

FOGLE advised she works at Wickshire in the community/activities room. On today's date at approximately 0900 hours she arrived and went to her desk in the community room and placed her purse in her desk cabinet and locked it. She left for the day at approximately 1700 hours and on her way home she received a phone call from Capital One asking her if she just used her credit card at Publix for \$402.43. FOGLE advised Capital One she did not use her credit card today and had it cancelled. She then checked her purse for her wallet to see if the credit card was still in her wallet and discovered her wallet was missing from her purse. She immediately went back to Wickshire to see if her wallet was there and discovered the lock on the wooden cabinet was broken and her wallet was missing. She stated she leaves her wallet in her purse so someone must have broke into the cabinet and stole the wallet from inside her purse while she was out of the room. She also advised the community room is open to all residents, medical staff, and other employees through out the day and she is in and out of the community room during the day.

I observed the wooden cabinet lock was broken. The lock could easily be broken by someone pulling hard on the door causing the latch to bend and then the door could be opened.

The following items were reported stolen by the victim.

- 1) Brown Louis Vuitton wallet valued \$750.00
- 2) Capital One CC (Used at Publix Store #214 City of Margate for \$402.43 at 1709 hrs)
- 3) Merrick Bank CC (Used \$600.00 at unknown location)
- 4) Avariant Bank CC (used \$250.00 at unknown location)
- 5) Open Sky Visa
- 6) Continental Fiance Visa
- 7) First Premiere Visa
- 8) Citibank Visa
- 9) Victim's Florida DL (F240-432-69-589-0)
- 10) TD Bank Debit (Used at Publix #822 for \$519.53, Pepboys #382 for \$154.71, Total Wine for \$673.95, and Publix #787 for \$525.74)

I met with Wickshire Maintenance Supervisor Alvin Catalan (561) 400-5191 and we checked the video surveillance. They have several cameras in the facility but none that captured the door to the Community Room.

The Victim advised she wanted to prosecute and a Marcy's Form was completed. She was issued a case card and advised to cancel all of her credit cards.

BWC

Incident Report Related Property List

Broward County Sheriff's Office

OCA: 07-2107-001976

1		Property Description CAPITAL ONE CC		Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
Status Stolen		Date 07/20/2021		NIC #		State #		Local #	
Name (Last, First, Middle) FOGLE, JENNIFER		DOB 03/09/1969		Age 52		Race W		Sex F	

Notes

credit card was used at publix

2		Property Description MERRICK BANK		Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
Status Stolen		Date 07/20/2021		NIC #		State #		Local #	
Name (Last, First, Middle) FOGLE, JENNIFER		DOB 03/09/1969		Age 52		Race W		Sex F	

Notes

merrick credit card was used in above amount

3		Property Description AVANT BANK CC		Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
Status Stolen		Date 07/20/2021		NIC #		State #		Local #	
Name (Last, First, Middle) FOGLE, JENNIFER		DOB 03/09/1969		Age 52		Race W		Sex F	

Notes

avant bank credit card used for that amount

4		Property Description OPEN SKY VISA		Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
Status Stolen		Date 07/20/2021		NIC #		State #		Local #	
Name (Last, First, Middle) FOGLE, JENNIFER		DOB 03/09/1969		Age 52		Race W		Sex F	

Notes

vicinus cc

Incident Report Related Property List

Broward County Sheriff's Office

OCA: 07-2107-001976

5 Property Description CITIBANK VISA		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Stolen	Date 07/20/2021	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) FOGLE, JENNIFER		DOB 03/09/1969		Age 52	Race W	Sex F	

Notes

victims CC

6 Property Description LOUIS VUITTON WALLET		Make		Model		Caliber	
Color Brown	Serial No.	Value \$750.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Stolen	Date 07/20/2021	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) FOGLE, JENNIFER		DOB 03/09/1969		Age 52	Race W	Sex F	

Notes

brown louis vuitton wallet

7 Property Description FL DL		Make		Model		Caliber	
Color	Serial No.	Value \$50.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Stolen	Date 07/20/2021	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) FOGLE, JENNIFER		DOB 03/09/1969		Age 52	Race W	Sex F	

Notes

victims FL DL

8 Property Description TD BANK DEBIT		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Stolen	Date 07/20/2021	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) FOGLE, JENNIFER		DOB 03/09/1969		Age 52	Race W	Sex F	

Notes

victim's debit card used several times

Incident Report Related Property List

OCA: 07-2107-001976

Broward County Sheriff's Office

9	Property Description			Make		Model		Caliber	
	CONTINENTAL CC								
	Color	Serial No.	Value		Qty	Unit	Jurisdiction		
			\$0.00		1.000		Locally		
	Status	Date	NIC #	State #	Local #	OAN			
	Stolen	07/20/2021							
Name (Last, First, Middle)				DOB	Age	Race	Sex		
FOGLE, JENNIFER				03/09/1969	52	W	F		

Notes

victims CC

10	Property Description			Make		Model		Caliber	
	FIRST PREMIER BANK CC								
	Color	Serial No.	Value		Qty	Unit	Jurisdiction		
			\$0.00		1.000		Locally		
	Status	Date	NIC #	State #	Local #	OAN			
	Stolen	07/20/2021							
Name (Last, First, Middle)				DOB	Age	Race	Sex		
FOGLE, JENNIFER				03/09/1969	52	W	F		

Notes

victims cc

COMPOSITE EXHIBIT “2”

Jul 22, 2021



Bank

America's Most Convenient Bank®

TD Bank, N.A.

1701 Route 70 East

Cherry Hill, NJ 08034-5400

T: 888-751-9000

www.tdbank.com

JENNIFER FOGLE
3380 DELRAY BAY DR APT 706
DELRAY BEACH, FL 33483

SUBJ: RCx85pVH21J3911

Dear JENNIFER FOGLE,

We received your ATM/Debit Card Dispute claim in the amount of \$1,719.22 filed on 07/21/21 and have provisionally/temporarily credited your account in the amount of \$1,719.22 on 07/22/21 as well as any fees and/or interest that may have billed.

This credit is granted pending completion of our review. We will notify you within 45 calendar days for Domestic ATM/PIN based transactions or within 90 calendar days for any International and/or non-PIN based transactions if the provisional credit is final.

We appreciate the opportunity to serve you. The protection of your account is important to us; if you have any questions please call 1-888-751-9000.

Sincerely,

TD Bank, N.A.
Disputes & Claims

cc: File

|PAYP

Jul 27, 2021



Bank

America's Most Convenient Bank®

TD Bank, N.A.
1701 Route 70 East
Cherry Hill, NJ 08034-5400
T: 888-751-9000
www.tdbank.com

JENNIFER FOGLE
3380 DELRAY BAY DR APT 706
DELRAY BEACH, FL 33483

SUBJ: RCgsdvVH25J1823

Dear JENNIFER FOGLE,

We received your ATM/Debit Card Dispute claim in the amount of \$154.71 filed on 07/25/21 and have provisionally/temporarily credited your account in the amount of \$154.71 on 07/27/21 as well as any fees and/or interest that may have billed.

This credit is granted pending completion of our review. We will notify you within 45 calendar days for Domestic ATM/PIN based transactions or within 90 calendar days for any International and/or non-PIN based transactions if the provisional credit is final.

We appreciate the opportunity to serve you. The protection of your account is important to us; if you have any questions please call 1-888-751-9000.

Sincerely,

TD Bank, N.A.
Disputes & Claims

cc: File

|PAYP

Aug 23, 2021



Bank

America's Most Convenient Bank®

TD Bank, N.A.
1701 Route 70 East
Cherry Hill, NJ 08034-5400
T: 888-751-9000
www.tdbank.com

JENNIFER FOGLE
3380 DELRAY BAY DR APT 706
DELRAY BEACH, FL 33483

SUBJ: RCXwcnVI19L3808

Dear JENNIFER FOGLE,

We received your ATM/Debit Card Dispute claim in the amount of \$1,348.19 filed on 08/19/21 and have provisionally/temporarily credited your account in the amount of \$1,193.48 on 08/23/21 as well as any fees and/or interest that may have billed.

This credit is granted pending completion of our review. We will notify you within 45 calendar days for Domestic ATM/PIN based transactions or within 90 calendar days for any International and/or non-PIN based transactions if the provisional credit is final.

We appreciate the opportunity to serve you. The protection of your account is important to us; if you have any questions please call 1-888-751-9000.

Sincerely,

TD Bank, N.A.
Disputes & Claims

cc: File

|PAYP

Aug 23, 2021



Bank

America's Most Convenient Bank®

TD Bank, N.A.
1701 Route 70 East
Cherry Hill, NJ 08034-5400
T: 888-751-9000
www.tdbank.com

JENNIFER FOGLE
3380 DELRAY BAY DR APT 706
DELRAY BEACH, FL 33483

SUBJ: RCEY2gVI19L3314

Dear JENNIFER FOGLE,

We received your ATM/Debit Card Dispute claim in the amount of \$525.74 filed on 08/19/21 and have provisionally/temporarily credited your account in the amount of \$525.74 on 08/23/21 as well as any fees and/or interest that may have billed.

This credit is granted pending completion of our review. We will notify you within 45 calendar days for Domestic ATM/PIN based transactions or within 90 calendar days for any International and/or non-PIN based transactions if the provisional credit is final.

We appreciate the opportunity to serve you. The protection of your account is important to us; if you have any questions please call 1-888-751-9000.

Sincerely,

TD Bank, N.A.
Disputes & Claims

cc: File

|PAYP

COMPOSITE EXHIBIT “3”

Jul 23, 2021



Bank

America's Most Convenient Bank®

TD Bank, N.A.
1701 Route 70 East
Cherry Hill, NJ 08034-5400
T: 888-751-9000
www.tdbank.com

JENNIFER FOGLE
3380 DELRAY BAY DR APT 706
DELRAY BEACH, FL 33483

SUBJ: RCx85pVH21J3911

Dear JENNIFER FOGLE,

We have completed our review into your ATM/Debit Card Dispute claim filed on 07/21/21 in the amount of \$1,719.22. Based on our investigation, we have determined that fraud did not occur. If your account was previously credited, it will be reversed on 08/02/21 (including any fees and/or interest that were also credited).

We appreciate the opportunity to serve you. You have the right to request documentation used to make our decision. The protection of your account is important to us; if you have any questions, please call 1-888-751-9000.

Sincerely,

TD Bank, N.A.
Disputes & Claims

cc: File

|CAF1.1

Aug 03, 2021



Bank

America's Most Convenient Bank®

TD Bank, N.A.
1701 Route 70 East
Cherry Hill, NJ 08034-5400
T: 888-751-9000
www.tdbank.com

JENNIFER FOGLE
3380 DELRAY BAY DR APT 706
DELRAY BEACH, FL 33483

SUBJ: RCB0udVH30U1924

Dear JENNIFER FOGLE,

We have completed our review into your ATM/Debit Card Dispute claim filed on 07/30/21 in the amount of \$1,719.22. Based on our investigation, we have determined that fraud did not occur.

We appreciate the opportunity to serve you. You have the right to request documentation used to make our decision. The protection of your account is important to us; if you have any questions, please call 1-888-751-9000.

Sincerely,

TD Bank, N.A.
Disputes & Claims

cc: File

|CAF1

Sep 09, 2021



Bank

America's Most Convenient Bank®

TD Bank, N.A.
1701 Route 70 East
Cherry Hill, NJ 08034-5400
T: 888-751-9000
www.tdbank.com

JENNIFER FOGLE
3380 DELRAY BAY DR APT 706
DELRAY BEACH, FL 33483

SUBJ: RCXwcnVI19L3808

Dear JENNIFER FOGLE,

We have completed our review into your ATM/Debit Card Dispute claim filed on 08/19/21 in the amount of \$1,348.19. Based on our investigation, we have determined that fraud did not occur. If your account was previously credited, it will be reversed on 09/17/21 (including any fees and/or interest that were also credited).

We appreciate the opportunity to serve you. You have the right to request documentation used to make our decision. The protection of your account is important to us; if you have any questions, please call 1-888-751-9000.

Sincerely,

TD Bank, N.A.
Disputes & Claims

cc: File

{CAFLI

Oct 19, 2021



Bank

America's Most Convenient Bank®

TD Bank, N.A.
1701 Route 70 East
Cherry Hill, NJ 08034-5400
T: 888-751-9000
www.tdbank.com

JENNIFER FOGLE
3380 DELRAY BAY DR APT 706
DELRAY BEACH, FL 33483

SUBJ: RCgsdvVH25J1823

Dear JENNIFER FOGLE,

We have completed our review into your ATM/Debit Card Dispute claim filed on 07/25/21 for \$154.71.

Your account has been credited \$154.71 on 07/27/21 plus any fees and/or interest that may have billed.

We appreciate the opportunity to serve you. The protection of your account is important to us; if you have any questions please call 1-888-751-9000.

Sincerely,

TD Bank, N.A.
Disputes & Claims

cc: File

|PAYF

Sep 30, 2021



Bank

America's Most Convenient Bank®

TD Bank, N.A.
1701 Route 70 East
Cherry Hill, NJ 08034-5400
T: 888-751-9000
www.tdbank.com

JENNIFER FOGLE
3380 DELRAY BAY DR APT 706
DELRAY BEACH, FL 33483

SUBJ: RCxeUuVJ30E2432

Dear JENNIFER FOGLE,

We received your ATM/Debit Card Dispute claim in the amount of \$1,348.19 filed on 09/30/21 and have provisionally/temporarily credited your account in the amount of \$1,193.48 on 09/30/21 as well as any fees and/or interest that may have billed.

This credit is granted pending completion of our review. We will notify you within 45 calendar days for Domestic ATM/PIN based transactions or within 90 calendar days for any International and/or non-PIN based transactions if the provisional credit is final.

We appreciate the opportunity to serve you. The protection of your account is important to us; if you have any questions please call 1-888-751-9000.

Sincerely,

TD Bank, N.A.
Disputes & Claims

cc: File

|PAYP

Oct 14, 2021



Bank

America's Most Convenient Bank®

TD Bank, N.A.
1701 Route 70 East
Cherry Hill, NJ 08034-5400
T: 888-751-9000
www.tdbank.com

JENNIFER FOGLE
3380 DELRAY BAY DR APT 706
DELRAY BEACH, FL 33483

SUBJ: RCxeUuVJ30E2432

Dear JENNIFER FOGLE,

We have completed our review into your ATM/Debit Card Dispute claim filed on 09/30/21 in the amount of \$1,348.19. Based on our investigation, we have determined that fraud did not occur. If your account was previously credited, it will be reversed on 10/22/21 (including any fees and/or interest that were also credited).

We appreciate the opportunity to serve you. You have the right to request documentation used to make our decision. The protection of your account is important to us; if you have any questions, please call 1-888-751-9000.

Sincerely,

TD Bank, N.A.
Disputes & Claims

cc: File

[CAFT.1

Nov 15, 2021



Bank

America's Most Convenient Bank®

TD Bank, N.A.
1701 Route 70 East
Cherry Hill, NJ 08034-5400
T: 888-751-9000
www.tdbank.com

JENNIFER FOGLE
3380 DELRAY BAY DR APT 706
DELRAY BEACH, FL 33483

SUBJ: RCEY2gVII9L3314

Dear JENNIFER FOGLE,

We have completed our review into your ATM/Debit Card Dispute claim filed on 08/19/21 for \$525.74.

Your account has been credited \$525.74 on 08/23/21 plus any fees and/or interest that may have billed.

We appreciate the opportunity to serve you. The protection of your account is important to us; if you have any questions please call 1-888-751-9000.

Sincerely,

TD Bank, N.A.
Disputes & Claims

cc: File

|PAYF

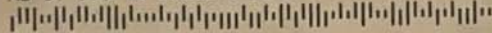
COMPOSITE EXHIBIT “4”



America's Most Convenient Bank®

September 20, 2021

AB 01 038742 21226 B 85 A



JENNIFER FOGLE
3380 DELRAY BAY DR APT 706
DELRAY BEACH FL 33483-8603

RE: Your TD Bank Checking account ending in: 9770

Dear JENNIFER FOGLE,

We're committed to keeping you informed about your banking. Today, we're writing to share important information about your TD Bank Checking account.

Your account recently had insufficient funds. Please take immediate steps to resolve this.

The available balance in your TD Bank account was not enough to cover items presented for payment on September 17, 2021. As a result, we've assessed an overdraft fee of \$105.00 for that day's activities.

To avoid accruing additional fees, please establish and maintain a positive available account balance. You can view your available account balance by logging into our mobile or tablet app, by logging into online banking, by visiting us at a TD Bank store or ATM, or by calling us at 1-888-751-9000.

For your convenience, we've listed all transactions, including deposits, payments, and purchases, on your account on September 17, 2021, on the back of this notice.

This account is enrolled in TD Debit Card AdvanceSM. You may change your enrollment status at any time by visiting your local TD Bank Store, calling us at 1-888-751-9000, logging on to your online banking account, or downloading our app using your tablet or mobile device. For more information about ways to manage your account in an overdraft situation visit: www.tdbank.com/personal/overdraft_comparison.html

Pending payments and purchases impact your available balance.

To avoid overdrawing your account again, please keep in mind how your available balance is impacted:

- Transfers, wire transfers, electronic deposits, and cash deposits are available immediately.
- The first \$100 is available immediately from check deposits made at a TD Bank location or TD Bank ATM. The remainder of the check deposit should generally be available no later than the next business day unless an extended hold is placed. Deposits appear as "pending" until the funds are fully available for use.
- "Pending" debit card and ATM withdrawals immediately reduce your available balance.
- We may charge an overdraft fee for payment of items or withdrawals made before funds are available.

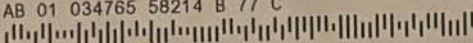
For additional information, please refer to the Funds Availability Policy in our Deposit Account Agreement.

For business checking accounts on Account Analysis billing, an Overdraft-Return (NSF)/Overdraft-Paid (OD) due to lack of funds available may be noted as an Uncollected Funds Fee (UNC) on the Account Analysis Statement. Please see the Business Deposit Account Agreement for more information.



America's Most Convenient Bank®

October 25, 2021

AB 01 034765 58214 B 77 C

 JENNIFER FOGLE
 3380 DELRAY BAY DR APT 706
 DELRAY BEACH FL 33483-8603

034765 1/1

RE: Your TD Bank Checking account ending in: 9770

Dear JENNIFER FOGLE,

We're committed to keeping you informed about your banking. Today, we're writing to share important information about your TD Bank Checking account.

Your account recently had insufficient funds. Please take immediate steps to resolve this.

The available balance in your TD Bank account was not enough to cover items presented for payment on October 22, 2021. As a result, we've assessed an overdraft fee of \$35.00 for that day's activities.

To avoid accruing additional fees, please establish and maintain a positive available account balance. You can view your available account balance by logging into our mobile or tablet app, by logging into online banking, by visiting us at a TD Bank store or ATM, or by calling us at 1-888-751-9000.

For your convenience, we've listed all transactions, including deposits, payments, and purchases, on your account on October 22, 2021, on the back of this notice.

This account is enrolled in TD Debit Card AdvanceSM. You may change your enrollment status at any time by visiting your local TD Bank Store, calling us at 1-888-751-9000, logging on to your online banking account, or downloading our app using your tablet or mobile device. For more information about ways to manage your account in an overdraft situation visit: www.tdbank.com/personal/overdraft_comparison.html

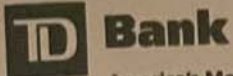
Pending payments and purchases impact your available balance.

To avoid overdrawing your account again, please keep in mind how your available balance is impacted:

- Transfers, wire transfers, electronic deposits, and cash deposits are available immediately.
- The first \$100 is available immediately from check deposits made at a TD Bank location or TD Bank ATM. The remainder of the check deposit should generally be available no later than the next business day unless an extended hold is placed. Deposits appear as "pending" until the funds are fully available for use.
- "Pending" debit card and ATM withdrawals immediately reduce your available balance.
- We may charge an overdraft fee for payment of items or withdrawals made before funds are available.

For additional information, please refer to the Funds Availability Policy in our Deposit Account Agreement.

For business checking accounts on Account Analysis billing, an Overdraft-Return (NSF)/Overdraft-Paid (OD) due to lack of funds available may be noted as an Uncollected Funds Fee (UNC) on the Account Analysis Statement. Please see the Business Deposit Account Agreement for more information.

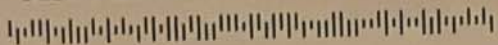


America's Most Convenient Bank®

November 13, 2021

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MB 01 000774 79274 B 5 A

JENNIFER FOGLE
3380 DELRAY BAY DR APT 706
DELRAY BEACH FL 33483-8603

Account Number Ending In: 9770

Dear JENNIFER FOGLE,

We are concerned - Your account is overdrawn

According to our records your account is currently overdrawn. If this is an oversight please remit the amount identified at your local store or to the address outlined below. If further assistance is required please contact us at one of the following.

Contact Us ☎ 1-800-742-2651, Mon-Fri 8-9, Sat 8-5 EST (hearing impaired 1-800-852-7899)
 ☒ TD Bank, NA, PO Box 9547, Portland, Maine 04112-9547
 ☞ To contact us or locate your nearest TD store location, visit us at www.tdbank.com

It is important that you make a deposit of \$1373.90 into your account to clear the overdraft and avoid any additional fees. Unfortunately, if the overdraft remains on your account, checks or debits may be returned unpaid. In addition, we will close your account to further debits if it remains overdrawn for 60 days.

Thank you for taking the time to address this important matter. If you have already deposited the necessary funds, thank you and please disregard this letter.

Sincerely,

TD US Customer Assistance
TD Bank, America's Most Convenient Bank

This communication is an attempt to collect a debt; any information obtained will be used for that purpose. However, if the debt is in active bankruptcy or has been discharged through bankruptcy, this communication is not intended as and does not constitute an attempt to collect a debt.

If any recipient hereof is represented by an attorney in connection with the above-referenced account, or in connection with any bankruptcy proceeding, please provide such attorney a copy of this letter and any enclosures.